

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In re: The Application of Royalty Limos, LLC dba)	
Royalty Limos for an expansion of authority for)	Docket No. 11-04003
operations conducted under Certificate of Public)	
Convenience and Necessity (CPCN) 2149.)	
)	
In re: The Application of Royalty Limos, LLC dba)	
Royalty Limos for an expansion of authority for)	Docket No. 11-04004
operations conducted under Certificate of Public)	
Convenience and Necessity (CPCN) 1059.5.)	
)	

PROCEDURAL ORDER AND NOTICE OF HEARING

Royalty Limos, LLC d/b/a Royalty Limos ("Applicant") has filed an application, designated as Docket No. 11-04003 with the Nevada Transportation Authority ("Authority") seeking to expand their authority under Certificate of Public Convenience and Necessity ("CPCN") 2149 to add special services and airport transfer service within Clark County, Nevada, to their charter bus service.

Royalty Limos, LLC d/b/a Royalty Limos ("Applicant") has filed a second application, designated as Docket No. 11-04004 with the Authority seeking to expand their authority under CPCN 1059, Sub 5 to add special services and airport transfer service within Clark County, Nevada, to their charter limousine service. In addition, Royalty Limos, LLC is requesting the removal of the restrictions currently on their Certificate.

The applications were filed pursuant to Chapter 706 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"). Under NRS 706.151, the Authority has legal jurisdiction and authority over these matters.

Procedural History

The matters were properly noticed to the public. On May 6, 2011, Jacob Transportation Services, LLC d/b/a Executive of Las Vegas ("Jacob" CPCN 1062) filed a timely Petition for Leave

to Intervene. On May 9, 2011, Las Vegas Limousines (“LVL” CPCN 2258.5) and Airline Limousine Corporation (“ALC” CPCN 2050.3) jointly filed a timely Petition for Leave to Intervene.

On May 23, 2011, the Applicant filed its Opposition to both Petitions. In its Opposition, the Applicant argues that the Petitioners have provided scant support for their allegations of adverse impacts, that the Petitioners seek to limit competition, and that granting the Petitions would broaden the issues and delay the matter. In conclusion, the Applicant argues that the Petitioners lack a direct and substantial interest in the matter and failed to demonstrate an adverse impact on current carriers or a threat to the traveling public.

On June 3, 2011, LVL and ALC filed a Reply to the Applicant’s Opposition. On June 8, 2011, Jacob filed a Reply to the Applicant’s Opposition.

In a Procedural Order dated September 13, 2011, Chairman Andrew J. MacKay, in his capacity as Presiding Officer in this matter, found that the Petitioners have a direct and substantial interest in this matter and granted Intervener status to Jacob and LVL/ALC with respect to Docket Numbers 11-04003 and 11-04004. The Procedural Order established rules and limitations for discovery but did not set a discovery deadline.

On January 13, 2012, the Applicant amended its Application in Docket Number 11-04004 to add a request to operate livery limousines. This amendment was properly noticed to the public on January 13, 2012.

On February 10, 2012, Jacob filed with Authority Staff a letter indicating the intent to propound discovery requests upon the Applicant and an expectation of completing discovery within 60 to 90 days.

On February 10, 2012, the Applicant filed an objection to Jacob's stated discovery timetable, arguing that such delay would unduly harm the Applicant.

On February 13, 2012, LVL/ALC filed an Amended Petition for Leave to Intervene in Docket Number 11-04004.

On February 13, 2012, the Applicant filed its Response to the Amended Petition for Leave to Intervene filed by LVL/ALC.

On February 14, 2012, LVL/ALC filed its Response to the Applicant's February 13, 2012 Response.

Discussion

The Procedural Order stated that, "Upon a report from Authority Staff that the matter is ripe for hearing, the Presiding Officer will issue an Order establishing a schedule for the completion of discovery." Thus, the Order contemplated that discovery would get underway, with a cutoff date to be announced in a future order. The expectation that discovery would proceed prior to the announcement of a cutoff date is further made clear by the following language from the Order, "In the interim, the following (discovery) rules and limitations shall apply..."

It appears that despite this expectation, the parties have engaged in little or no formal discovery to date. Under these circumstances, allowing a lengthy discovery process to begin at this juncture would unduly delay the matters. However, extinguishing the rights of the Interveners to conduct discovery would be similarly unjust, particularly in light of the recent (albeit relatively minor) amendment to the Application in docket number 11-04004 and other recent additions to the Application files such as data request responses and supporting materials.

Accordingly, the Presiding Officer finds that the interest of the parties would be best balanced by establishing a concise and limited schedule for expedited discovery to be followed promptly by a hearing in the matters.

Further, the Presiding Officer finds that the Amended Petition for Leave to Intervene filed by LVL/ALC in docket number 11-04004 is unnecessarily duplicative, in that LVL/ALC already enjoys full Intervener status in that docket number, including any subsequent amendments, by virtue of the September 13, 2011 Procedural Order.

IT IS THEREFORE ORDERED that:

1. The Amended Petition for Leave to Intervene filed by LVL/ALC in docket number 11-04004 is hereby denied, with LVL/ALC remaining an Intervener in the matter as amended based upon the grant of its prior Petition for Leave to Intervene.
2. All discovery must be completed in accordance with the following schedule and rules:
 - a. Witness lists to be filed no later than March 1, 2012 at 5:00 p.m.
 - b. Discovery cutoff date (the last day discovery requests can be made) is March 6, 2012 at 5:00 p.m.
 - c. Each party may conduct up to three depositions, no longer than two hours each, to be completed by March 20, 2012, at 5:00 p.m.
 - d. No further depositions may be taken without prior approval of the Presiding Officer.
 - e. Requests for approval of additional depositions must state why other forms of discovery are inadequate.
 - f. With respect to discovery requests, each party shall have ten (10) business days to respond to any request and three (3) business days to object.
 - g. The parties shall copy the Authority Staff on all written communications.

- h. Requests for Presiding Officer intervention in the discovery process must be directed in writing to the Presiding Officer and to the Authority's Administrative Attorney.

NOTICE IS HEREBY GIVEN that a hearing on this matter has been rescheduled as follows:

FRIDAY, MARCH 23, 2012

9:30 a.m.

Nevada Transportation Authority
2290 South Jones Blvd., Suite 110
Las Vegas, Nevada 89146
(702) 486-3303

At which time a Presiding Officer will receive testimony and evidence regarding the Applications, and decide which testimony and evidence will be delivered to the Authority for final determination.

Pursuant to NRS 706.391, the Authority will consider evidence pertaining to the following:

- a) Whether the Applicant is fit, willing, and able to perform the services for which it has made the Applications;
- b) Whether the provision of the services applied for will foster sound economic conditions within the applicable industry;
- c) Whether the proposed expansion of authority will be consistent with the legislative policies set forth in NRS 706.151;
- d) Whether granting the Applications will unreasonably and adversely affect other carriers operating in the territory for which the authority is sought;
- e) Whether the proposed expansion of authority will benefit and protect the safety and convenience of the traveling public and motor carrier business in this State;
- f) Whether the proposed service will be provided on a continuous basis;
- g) Whether the market identified by the Applicant as the market which the Applicant intends to serve will support the proposed expansion of authority; and
- h) Whether, in the event the Applications are granted, the public interest requires that certain terms and conditions be attached to the Certificates.

Applicant is advised that it is responsible for providing a court reporter at the time and place listed above for this proceeding. The transcript of the proceeding (an original and two copies) should be transmitted to the Authority within fifteen (15) days of the hearing. The Authority cannot approve any application until the transcripts are received.

The Authority retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,

_____/s/_____
Andrew J. MacKay, Chairman

Attest: ____/s/_____
James Allen Day, Admin. Attorney

Dated: February 22, 2012
Las Vegas, Nevada